

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No.37513 of 2022
Date of Decision: 29.09.2022**

Balkaran Singh

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Rishabh Gupta, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab
for the respondent-State.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.119 dated 29.07.2022 registered at Police Station Bullowal, District Hoshiarpur, under Section 21(1) of the Mines and Minerals (Regulation and Development) Act and Section 379 IPC, the petitioner has preferred the instant petition for seeking the relief of pre-arrest/anticipatory bail.

2. Shorn and short of unnecessary details, the allegations levelled in the subject FIR, are that on the receipt of an information regarding one Karandeep Singh @ Karan son of Bahadar Singh bringing a tractor, along-with the trolley filled with sand, the police party, headed by ASI Satnam

Singh, started for the disclosed place and on their way, they saw the above-named person, who was previously known to PHG Surinder Singh, coming on the tractor, with a trolley attached to it. On noticing the police party, he detached the trolley from the hook of the tractor and fled away from the spot along-with his vehicle (tractor) while leaving the trolley there and the sand was being illegally transported by him in the said trolley.

3. Status-report on behalf of the respondent-State (by way of the affidavit of Deputy Superintendent of Police, Narcotic Cell-cum-Incharge Sub-Division Hoshiarpur), along-with Annexure R-1/T, has been submitted in the Court today and both these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the name of the petitioner is Balkaran Singh but in the FIR, Karandeep Singh @ Karan has been nominated as the accused and moreover, the registration number of the afore-mentioned tractor has not been mentioned in the FIR and these facts make the identity of the petitioner as the accused as well as the entire version as set-forth in the FIR highly improbable and doubtful and in these circumstances, the petitioner deserves the relief as prayed for in the instant petition.

6. Per contra, learned State counsel points out that as per Annexure R-1/T, i.e the translated version of the statement of Sarpanch Meena Rani, the nick-name of the petitioner is Karan and he argues that in

view of this statement, it is quite explicit that the petitioner is also known as Karan and moreover, he is required to be interrogated regarding the registration number of the tractor which was being driven by him at the relevant time and the said vehicle is also yet to be recovered and hence, this petition be dismissed.

7. It has categorically been deposed in Para No.5 of the status-report that the above-named Sarpanch has made a statement clarifying therein that Balkaran Singh son of Bahadar Singh, i.e the petitioner, is a resident of their village and his nick name is Karan and he resides in her neighbourhood. In the FIR also, the parentage of accused Karandeep Singh @ Karan is mentioned as Bahadar Singh. To cap it all, it has been clarified in the Memo of Parties in this petition itself that the name of the petitioner has wrongly been mentioned as Karandeep Singh @ Karan in the said FIR. These facts leave no room for any ambiguity or doubt regarding the identity of the petitioner-accused in this case.

8. Though the registration number of the tractor, allegedly being driven by the petitioner at the relevant time, has not been mentioned in the FIR but it is worth-while to point it out here that it has specifically been alleged therein that on noticing the police party from a distance, the petitioner detached the trolley from the tractor and escaped from the spot along-with his vehicle. The investigation in the case is at the nascent stage and the petitioner is yet to be interrogated qua the registration number of the said tractor and also regarding the place from where he had brought the sand, as found loaded in the trolley. In such circumstances, the possibility

of the requirement of his custodial interrogation for the afore-said purpose, cannot be ruled out.

9. To add to it, the illegal mining of the minerals is, now-a-days, rampant in the region and besides causing loss to the State-Exchequer, this menace is resulting in an irreparable loss to the environment which may result in serious health hazards for the residents of the area as well as for the future/coming generations and it being so, the persons accused of being involved in such an offence, are to be dealt with an iron hand. The pre-arrest/anticipatory bail is an extra-ordinary relief and it is not supposed to be extended to the accused persons in a routine or casual manner.

10. Keeping in view the above-discussed facts and circumstances as well as the nature of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

11. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

September 29, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>